

W. 5/14/83 Steve Bell

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Mr. Lyle Denniston
Baltimore Sun
1627 K St., NW, #1100
Washington, D.C. 20006

Dear Mr. Denniston,

If I remember correctly, when you phoned me about the adverse appeals court decision last month I indicated the belief that the courts are weary of FOIA cases and simply will not face official untruthfulness.

The ~~problems~~^{problems} for the Act and requesters are magnified when the case is assigned to judges who are unwilling to confront sworn official untruthfulness, not infrequently perjury.

The government tries to use such cases and judges to rewrite the Act, it has with me in the past and is again. The 1970 case was cited by the Congress as requiring the 1974 amending of the investigatory files exemption. Now it has gotten an Order from Judge John Lewis Smith requiring that I provide discovery to the FBI and that I pay the FBI's costs. I believe that these are not in accord with the Act and its purposes and to a large degree nullify it.

When my wife was making a copy of a letter I'd written another reporter who was interested in my work and the Act, she asked me if I ought not send the letter to you. For your information, I enclose a copy.

I can't drive to Washington any more, Greyhound is not safe for me with my medical limitations, I'm 70 and can't afford long distance charges from my \$335 Social Security, so I hope you will understand and pardon the means by which I inform you.

After we spoke I got and annotated the appeals court decision. Many of its basic factually representations are not at all factual. While I don't expect anything to come of it, I've petitioned for a rehearing. The odds are always against this and I believe that most of the judges reading that decision will perceive that the panel began determined to reach a conclusion, bent the evidence so it could, ~~xxx~~ and are not likely to confront that panel.

Most judges simply won't fight the FBI or confront false official swearing. Remember, Kleindienst was praised for his perjury.

But as long as I'm able I'll resist and expose it, however little attention the exposure receives.

Yours was a fair story. Thanks.

Sincerely,

Harold Weisberg